

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 5330

United Food & Commercial Workers)

International Union, and Joseph T. Hansen)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that the United Food & Commercial Workers International Union and Joseph T. Hansen, as treasurer ("Respondents"), violated

2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv) by failing to file communication costs reports required by 2 U.S.C. § 431(9)(B)(iii).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Union Food & Commercial Workers International Union ("the Organization") is a membership organization within the meaning of 2 U.S.C. § 431(9)(B)(iii).

2. Joseph T. Hansen is the treasurer of the United Food & Commercial Workers International Union.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), states that the term "expenditure" does not include any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed \$2,000 for any election, be reported to the Commission in accordance with 2 U.S.C. § 434(a)(4)(A)(i) of this title, and in accordance with § 434(a)(4)(A)(ii) of this title with respect to any general election. 2 U.S.C. § 431(9)(B)(iii).

4. The Act requires that in a calendar year in which a regularly scheduled general election is held, membership organizations with reporting obligations must file quarterly reports no later than the 15th day after the last day of each calendar quarter: except the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i). The Act also requires that membership organizations with reporting obligations must file a pre-election report no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such

election, and shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

The Act also requires that a membership organization with reporting obligations file a post general election report no later than the 30th day after the general election which shall be complete as of the 20th day after the general election. 2 U.S.C. § 434(a)(4)(A)(iii). The Act also requires reports covering the period beginning January 1 and ending June 30, must be filed no later than July 31, and reports covering the period beginning July 1 and ending December 31, must be filed no later than January 31 of the following calendar year.

2 U.S.C. § 434(a)(4)(A)(iv).

5. Pursuant to 2 U.S.C. § 434(a)(1), the treasurer of a membership organization with reporting obligations shall file reports of receipts and disbursements in accordance with the provisions of that subsection.

6. The Respondents were required to file the 2000 October Quarterly Report no later than October 15, 2000. 2 U.S.C. § 434(a)(4)(A)(i). In addition, Respondents were required to file the 2000 12 Day Pre-General Report no later than October 26, 2000. 2 U.S.C. § 434(a)(4)(A)(ii). Respondents were required to file the 2000 30 Day Post General Report no later than December 7, 2000. 2 U.S.C. § 434(a)(4)(A)(iii). Respondents were also required to file the 2000 Year End Report no later than January 31, 2001. 2 U.S.C. § 434(a)(4)(A)(iv).

7. The 2000 October Quarterly Report, which disclosed \$449,641 in disbursements, was not filed until February 14, 2001, 122 days late. The 2000 12 Day Pre-General Report, which disclosed \$105,482 in disbursements, was not filed until February 14, 2001, 111 days late. The 2000 30 Day Post General Report, which disclosed \$376,708 in disbursements, was not filed

until February 14, 2001, 69 days late. The 2000 Year End Report, which disclosed \$112,877 in disbursements, was not filed until February 14, 2001, 14 days late.

V. The Respondents violated 2 U.S.C. § 434(a)(4)(A)(i)-(iv) by failing to timely file the 2000 October Quarterly Report, the 2000 Pre-General Report, the 2000 Post General Report and the 2000 Year End Report disclosing communication costs the reporting of which was required by 2 U.S.C. § 431(9)(B)(iii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents will cease and desist from violating 2 U.S.C. § 434(a)(4)(A)(i)-(iv).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:

Rhonda J. Vosdingh
Rhonda J. Vosdingh
Associate General Counsel

1/13/03
Date

FOR THE RESPONDENTS:

Edward P. Wendel
(Name) Edward P. Wendel

(Position) Associate General Counsel
United Food and Commercial
Workers International Union

December 11, 2002
Date